

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 1:22 CR 236
)	
Plaintiff,)	JUDGE BENITA Y. PEARSON
)	
v.)	<u>GOVERNMENT'S JOINT AND</u>
)	<u>UNOPPOSED MOTION TO</u>
JENNIFER ALBANNA et al.,)	<u>CONTINUE TRIAL AND FINAL</u>
)	<u>PRETRIAL DATES AND DEADLINES</u>
Defendants.)	

Now comes the United States of America, by and through its counsel, United States Attorney Rebecca C. Lutzko, and Assistant United States Attorney Erica Barnhill, and respectfully moves this Court for a continuance of the Final Pretrial, currently scheduled for July 11, 2023, and Trial, currently scheduled for July 24, 2023, for at least ninety (90) days, and for a commensurate extension of all dates and deadlines set forth in the Criminal Pretrial and Trial Order (ECF No. 16). Undersigned has conferred with counsel for the defendants, who have indicated they do not oppose this motion and that both defendants are willing to waive speedy trial time.

In support of its motion, the United States respectfully asserts as follows:

On May 11, 2022, a three (3) count indictment was filed charging Jennifer Albanna and Taha Albanna with Attempt to Evade and Defeat Payment of Income Tax, in violation of 26 U.S.C. § 7201; and charging Jennifer Albanna with two counts of Attempt to Evade and Defeat Assessment of Income Tax, in violation of 26 U.S.C. § 7201 (ECF No. 1).

On February 9, 2023, the United States filed a Superseding Indictment, adding two counts charging Jennifer Albanna with Aiding or Assisting in the Preparation and Presentation of a False and Fraudulent Return, in violation of 26 U.S.C. § 7206(2) (ECF No. 25). On February 17, 2023,

the defendants sought a continuance of the trial date, then set for March 20, 2023 (ECF No. 26), which was granted on February 24, 2023. (ECF No. 32).

On June 1, 2023, the previously-assigned lead Assistant United States Attorney acceded to the bench of Ohio's Eleventh District Court of Appeals. Undersigned counsel was assigned this case as lead counsel shortly thereafter and entered her appearance on June 7, 2023. (ECF No. 41). The previously-assigned co-counsel on the case left the United States Attorney's office on May 19, 2023. (ECF No. 38)

Undersigned counsel has been working diligently with defense counsel to negotiate a resolution of this matter that would obviate the need for a trial; however, given the short length of time undersigned has had the case and the complexity of the facts and evidence, it is unlikely such a resolution will come to fruition before the current plea deadline of July 7, 2023, and/or trial date of July 24, 2023. The United States therefore requests this continuance.

This request is not for the purposes of delay and the ends of justice served by granting this continuance outweigh the best interest of Defendants and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). As noted, undersigned has discussed the requested continuance with counsel for both defendants, who have indicated they do not object to such a continuance and are willing to waive speedy trial time.

Should the court grant a continuance, available dates agreed upon the United States and counsel for defendants are as follows:

Week of October 16, 2023

Week of October 23, 2023

Week of October 30, 2023

WHEREFORE, for the reasons set forth herein, the United States respectfully moves this Court for an Order and/or to make a finding pursuant to 18 U.S.C. § 3161(h)(7)(A) that the ends of justice will be best served by granting a continuance of the scheduled trial and that said continuance outweighs the public interest and the Defendants' interest in a speedy trial; for an Order continuing the currently scheduled trial date and final pretrial date for a period of time of at least ninety (90) days; and for an Order granting a commensurate extension of all deadlines previously set forth herein.

Respectfully submitted,

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